

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District <u>Western / Jackson, TN</u>
Name (under which you were convicted): <u>Billie Joe Chapman</u>		Docket or Case No.: <u>1:22-CV-01203</u>
Place of Confinement: <u>Hardeman County Correctional Facility</u>		Prisoner No.: <u>633331</u>
Petitioner (include the name under which you were convicted) <u>Billie Joe Chapman</u>		Respondent (authorized person having custody of petitioner) <u>Jerry Wardlaw, Warden</u> <u>of HCCF</u>
The Attorney General of the State of <u>Tennessee</u> at Jackson, TN		

RECEIVED

MAY 08 2023

Wendy R Oliver, Clerk
U.S. District Court
W.D. OF TN, Jackson

Amended PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging: In

The Circuit Court of Madison County, Tennessee 515 S Liberty Street, Ste 200, Jackson, Tennessee, 38301

(b) Criminal docket or case number (if you know): 21-407 and 21-42 (one hearing)

2. (a) Date of the judgment of conviction (if you know): Sept 7th 2021

(b) Date of sentencing: Sept 7th 2021, (New Convictions)

3. Length of sentence: 13 years Not 1:20-CV-01139 case

4. In this case, were you convicted on more than one count or of more than one crime? Yes ☒ No ☐

5. Identify all crimes of which you were convicted and sentenced in this case: Burglary, Theft, ~~on~~ Property, Vandalism, Felon in Possession of Fire Arm, Prior Felony

6. (a) What was your plea? (Check one) No Plea Every made by Petitioner

(1) Not guilty ☒

(3) Nolo contendere (no contest) ☐

(2) Guilty ☐

(4) Insanity plea ☐

- (b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

I never Plead or Said Guilty to any Charges and did not know what was really going on as I was following the ~~Yeses~~ and No's by My Public Defender - Joshua Phillips at The Plea Hearing on Sept 7th 2021, Atty. Phillips

NO
Plea
From me

Petitioner

who knew I was on mind altering medications
and was just released from mental hospital and was

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☐Judge only ☒

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes ☐No ☒

8. Did you appeal from the judgment of conviction?

Yes ☐No ☒

9. If you did appeal, answer the following:

(a) Name of court: _____

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: _____

(g) Did you seek further review by a higher state court? Yes ☐ No ☒

If yes, answer the following:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Result: _____

(4) Date of result (if you know): _____

(5) Citation to the case (if you know): _____

(6) Grounds raised: _____

(h) Did you file a petition for certiorari in the United States Supreme Court? ~~Yes~~ No ☒

If yes, answer the following:

(1) Docket or case number (if you know): _____

Yes I filed certiorari in State Trial
Court, Circuit Court Madison County Tennessee G-22-
310 and Not even discussed/addressed or nothing

Under Mental
Health Board
Committed and
Not Competent and
Knowing at the Time

Refused Appeal
by Madison County Jail who
were treating Petitioner
like he was Not Competent
before and after Sept 7th 2021

Unable
on Restrictions by
Madison County Jail
because of Mental Health
Strip Cell, where everything
was restricted without
abuse

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: Circuit Court Madison County Tennessee

(2) Docket or case number (if you know): 21-407 and 21-42, C-22-310, C-22-241

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: ① Habeas Corpus, ② Corrections of Illegal Sentence

(5) Grounds raised: ③ Certiorari and Supersedeas ④ Arrest

of Judgment ⑤ Motion For New hearing ⑥ Post Conviction

C-22-24
Grounds: Never made any plea, Violations of Rule 11 of the Tenn. R. Crim. P. Leading and Forced Compelled self-incrimination by Judge Allen, illegally held in prison ~~when~~ When Never said or pled guilty, on Forced Medication and on Mind altering Medication, was under the mental health Board Commitment at Time of Plea, Not Competent etc. Illegal Arrest - No Probable cause, Illegal Search etc.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒ but only Post Conviction hearing

(7) Result: Refuse to respond, Dismissed without hearing

(8) Date of result (if you know): August/Sept. 2022?

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: See above 11. (4)

(2) Docket or case number (if you know): ?

(3) Date of filing (if you know): ?

(4) Nature of the proceeding: ?

(5) Grounds raised: Same as above 11. (4) and See Attached page (4 B) Next page

⑥ I never admitted guilt, In Fact, I protested everything being done and Filed Complaints to the Board of Judicial Conduct in Nashville TN.

⑦ Documentary Fraud, To hold Petitioner in Prison by Judge Allen of The Circuit Court lied on Post Conviction Decision Saying Petitioner Pled Guilty, and

Several others C-23-32 Many others Don't know The case #5

Important

See Page Attached

11. (5) Grounds My Claims (Not Appointed Attorneys).

(d) Judge Andersen of City Court of Jackson Tennessee was a conflict of Interest, committing Judicial Misconduct as he was a Direct Defendant and served a copy of Complaint in July 2020 under Case # C-20-202 in the ~~100~~ Circuit Court of Madison County Tennessee and Petitioner Chapman was Plaintiff.

(e) ~~and~~ ~~Subject~~ Subject Matter Jurisdiction was being violated by Judge Anderson who was committing misconduct against this Petitioner ~~before~~ 10-20-2020 10-23-2020 ~~last~~ Arrangement, 11-05-2020 Preliminary hearing-

(f) ~~and~~ Judge Allen was also involved, and was protecting Judge Anderson above and both Judges made Decision(s) on this unlawful and Illegal Conviction where this Petitioner Never Pled or Said Guilty or Not a Contender to any Charges on "Said Plea agreement?" No Plea agreement ever made.

(g) See Exhibit B Sent to This Court on 10-3-2022 Called Transcripts of hearing on Sept. 7th 2021 30. Pages Verbatim Record under Crim. Doc. # 21-407 and 21-42, or I will try to get another Transcript made.

(h) Illegal Conviction and I am illegally Restrained of My Liberty also C-20-307 in the Circuit Court of Madison County Tennessee on 02-24-2021 Judge Allen knew and Read Supp. Ct. Letter Showing he and Anderson were conflicts of Interest.

① I was fighting my charges by civil
complaint saying misconduct by the Jackson
Police Department. The prosecutor / State Attorneys
The Court Judges committing misconduct on my Criminal
case.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☒ No ☐ Some but the hearings are clouded

(7) Result: because I was on Midid altering Drugs by Force

(8) Date of result (if you know): ?

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(3) Third petition: Yes ☐ No ☐

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

I don't know what to say or write
because I don't understand the first/second

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

I am being Blocked/Stopped/Avoided on ISSUES
CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your of No Plea
available state-court remedies on each ground on which you request action by the federal court.

Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

I am Not being Treated fairly by State Courts who are violating my rights and Not addressing ISSUES, Motions, Petitions, Civil Complaints and will not address Denial of Access to courts by Prison.

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

If I don't Plead Guilty or Not a Contender get a Plea agreement Hearing the Judge can't find me guilty. Judge can't be a defendant or force compel a guilty Plea by Self-Threatening or by Trickery. Take advantage of a Mentally Disabled Person who is on mind altering medication who Judge Allen knew was in the

- (b) If you did not exhaust your state remedies on Ground One, explain why: Mental Hospital.

I don't know how, and the ISSUES are serious and Not being brought to the courts or addressed.

- (c) Direct Appeal of Ground One: brought to the courts or addressed.

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒ I didn't even know I was convicted on 9-7-21.

- (2) If you did not raise this issue in your direct appeal, explain why: Inable to file

Direct Appeal - I was Restricted Illegally by Madison County Jail on Mental Health Status and

- (d) Post-Conviction Proceedings: Restrictions out of my Control.

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

- (2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Habeas Corpus and Judge Allen of
Name and location of the court where the motion or petition was filed: The Circuit Court of Madison County Tennessee

changed Habeas Corpus to Post Conviction wrongfully and illegally when ISSUES were void, null and invalid, Not voidable.

Misconduct by T.C.A. § 29-21-108 by Judge Allen.

Criminal Civil

Docket or case number (if you know): _____

Date of the court's decision: August/Sept. 2022

Result (attach a copy of the court's opinion or order, if available):

The Courts Decision is Already Sent to This Court with other Documents/Exhibits on 10-3-2022

(3) Did you receive a hearing on your motion or petition?

42 Pages of Exhibits.Yes ☒ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Criminal Appeals 26th Judicial District Jackson, TN

Docket or case number (if you know):

W/2022-01333-CCA R3-PC

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

N/A

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

I filed Arrest of Judgment based on Jurisdiction and Fraud, and Motion For New hearing to re-hear the Issues because Judge Allen lied and said I pled guilty and I filed writ of Habeas Corpus, First before Attorney J. Colin Morris

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One:

I filed Habeas Corpus but The Courts in Notice/Appel Circuit Fail to Address/Refuse to look at The record

GROUND TWO:

Criminal Conduct by Willful and Refusal to grant writ of Habeas Corpus by Judge Allen (TCA §29-21-108)

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

N/A Public Defender Joshua Phillips
Lied on the Stand at Post Conviction hearing, I told him nothing about competency of mental hospital.
I sat on the Stand at Post Conviction hearing and told the Judge Allen, I never Pled Guilty - That I was on medications and Treated as Not Competent by the (Jail.)In Circuit Court For Madison Co. Tennessee

(B) Madison County Jail, was refused pens, paper, legal mail, clothing, bedding, phone calls and on strip cell bedene and after Sept. 7th 2021 and on mind altering medications/drugs

(b) If you did not exhaust your state remedies on Ground Two, explain why: _____

Atty J Colin Morris Not Listening to me and just doing what he wants to do. Not Pursuing and Claiming my ISSUES as I want him to do

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

? Yes ☐ No ☐ Unable - Refused by Jail

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

? Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

? Yes ☐ No ☐

(4) Did you appeal from the denial of your motion or petition?

? Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

? Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

I don't know how to fill this out, or understand what Post Conviction other than I that was done

(d) **Post-Conviction Proceedings:** *I raised everything I knew about.*

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: _____

See pages before

I don't know what to write see my filings (4A) and (4B) Pages.

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: _____

habeas corpus Refused to Review Verbatim Record, and address my issues

GROUND THREE: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

7

(b) If you did not exhaust your state remedies on Ground Three, explain why: _____

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

No Direct appeal Refused and Wrongfully Restricted
If I would have known I was going to Prison, and I was Pleading guilty (I would have said not Guilty)

I don't know how to fill this out or answer questions - ~~Don't~~ I need help

GROUND FOUR:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

NA I don't know, I request Assistance by Attorney or order to
 The Warden
 Jerry Wurdlow
 to give Access to the
 Prison Law Library and
 Assistance by one of the inmate
 Legal Aides Please

(b) If you did not exhaust your state remedies on Ground Four, explain why:

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐(2) If you did not raise this issue in your direct appeal, explain why:**(d) Post-Conviction Proceedings:**(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☐ See pages before about

(2) If your answer to Question (d)(1) is "Yes," state: What I raised

Type of motion or petition:

Name and location of the court where the motion or petition was filed: I Filed habeas
 Corpus and Judge Changed to Post Conviction

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☐

I don't know how to
 appeal nor do I have
 any help with my rights

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

2 Yes ☐ No ☐ I didn't know how and Atty Morris will not
 (6) If your answer to Question (d)(4) is "Yes," state: Talk to me, or listen

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: _____

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: _____

Pending Civil Complaints Case #s ~~2022~~ C-21-267 ~~2022~~ Still
 C-20-318 C-23-50 pending in Circuit Court
 of Madison County Tennessee concerning Violations of
 Habeas Corpus and Post Conviction by Judges

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes ☐ No ☒ ?

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: Just Habeas Corpus, and Post

Conviction being done by Appointed Attorney J. Colin Morris on his own and Not my issues that I need him to address, He will not talk to me

(b) Is there any ground in this petition that has not been presented in some state or federal

court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: I don't know, I am not an

Attorney, but I know that I must Pled guilty or be Found Guilty to be legally convicted

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☒

conviction Date 9-7-21
 This is Conviction Crim.
 Doc. # 21-407, 21-42

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. _____

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☒ No ☒ Not Rese ISSUES

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. Directly

There is an appeal at the Criminal Court of appeals but that is what Attorney J. Colin Morris wants to do, not what I requested done - on my past conviction

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing:

Public Defender, Madison County, Tennessee (John Doe) Don't know name/address?

(b) At arraignment and plea:

Public Defender Joshua Phillips and Don't know address

(c) At trial:

NA

(d) At sentencing:

Joshua Phillips, Don't know address?

(e) On appeal:

NA

(f) In any post-conviction proceeding:

J. Colin Morris, 204 W. Baltimore St., Jackson TN 38301

(g) On appeal from any ruling against you in a post-conviction proceeding:

J. Colin Morris, 204 W. Baltimore St., Jackson, TN 38301

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition. _____

NA

I am The Petitioner,
Billie Joe Chapman 633331
Billie Joe Chapman
2520 Union Springs Rd
Whiteville, TN 38391
04-20-2023

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: NA

(b) Give the date the other sentence was imposed: DATE DO NOT WRITE

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒ None

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.* _____

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —

(continued...)

Therefore, petitioner asks that the Court grant the following relief:

To order
~~That Petitioner be Immediately Released From T.D.C.~~
~~Custody. The Conviction under 21-407, and 21-42 be reversed~~
~~or any other relief to which petitioner may be entitled.~~
 and expunged From the record. The conviction be dismissed with-
 prejudice From the Circuit Court of Madison County Tennessee
 In the above criminal Case made on Sept. 7th 2021 because never
 was Their a Plea of guilty or Found guilty by Law.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct
 and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on

04/08/2023 (month, date, year).

Executed (signed) on _____ (date).

Important Issue

Billie Joe Chapman 633331

Billie Chapman

Signature of Petitioner

I am denied Notary Service From any Notary
 Public at This Prison Facility. I have asked for
 months, and No Notary Public Shows up or response,
 I have wrote requests, I have wrote the grievance
 Procedures, and it seems That it's a choice IF the Notary
 wants to do her Job at This CCA Private Prison Facility

*(...continued)

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;

(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.